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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
STATE OF CALIFORNIA

In the Matter of:)	CIWMB No. 2001-010059-ADH
)	
HILARIO TORRES, OPERATOR)	OAH No. L-2001090388
FISCAL TIRES)	
)	
Respondent)	
)	
Hauler Registration No. 1244)	

FINAL DECISION

On October 23, 2001, in Los Angeles, California, Eric Sawyer, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Lynda D. Williams, Staff Counsel, California Integrated Waste Management Board, represented complainant.

Respondent Hilario Torres represented himself.

During the Prehearing Conference of this matter, the parties entered into a settlement agreement, the terms of which were placed on the record. The record was closed and the matter was submitted. The hearing set for October 25, 2001 was vacated.

The following proposed decision is based on the settlement terms.

FACTUAL FINDINGS

Pursuant to the Settlement Agreement, placed on the record, respondent

1 knowingly admitted each of the allegations in Administrative Complaint # 2001-010059-
2 ADH, and the parties agreed the Administrative Law Judge would make the following
3 factual findings, legal conclusions, and the order as set forth below:

4 1. The Administrative Complaint for Penalty was issued by the California
5 Integrated Waste Management Board (CIWMB) to Hilario Torres, individually an as
6 operator of Fiscal Tires, a waste tire hauler, seeking Five Thousand Dollars (\$5,000.00)
7 in civil penalties.

8 2. The CIWMB has authority to regulate and conduct enforcement actions
9 against Waste Tire Haulers within the State of California under Public Resources
10 Code, Sections 42800, et seq. and attendant regulations contained in Title 14 of the
11 California Code of Regulations (CCR).

12 3. On November 7, 1999, Hilario Torres, operator of Fiscal Tires, first
13 became registered as a Waste Tire Hauler with the CIWMB. The hauler registration
14 number is 1244. Mr. Torres renewed this registration in December 1999 for the year
15 2000. This registration expired without being renewed on December 31, 2000.

16 4. On March 23, 2001, Stephen Dolan of the CIWMB Waste Tire Section
17 inspected an Arco Station, located at 1060 J Street, Oxnard, CA. During this
18 inspection, waste tire manifests were reviewed for hauling, which had occurred after
19 December 31, 2000. During the review of these manifests it was noted that the hauler
20 was Fiscal Tires, CIWMB Hauler Registration #1244, which had expired on December
21 31, 2000.

22 5. On March 27, 2001, A Notice of Violation (NOV) was addressed and
23 posted by U.S. Mail by Mr. Dolan to Hilario Torres as operator of Fiscal Tires. This
24 NOV informed Mr. Torres of the March 23, 2001 inspection of the Oxnard Arco Station
25 and directed him to cease hauling waste tires until he obtained a current Waste Tire
26 Hauling Registration from CIWMB.

1 waste tires on April 10, April 21, and April 24, 2001 in violation of Public Resources
2 Code (PRC), Section 42951. Factual Findings 3 through 9. This code section makes it
3 unlawful, on or after January 1995, to engage in the transportation of waste tires if not
4 holding a valid Waste Tire Hauler Registration, unless exempted as specified in PRC,
5 Section 42954. Hilario Torres, operator of Fiscal Tires does not meet any of the
6 exemptions specified in PRC, Section 42954.
7

8
9 2. Hilario Torres, operator of Fiscal Tires, represented himself as being
10 registered as a waste tire hauler to Motion Tire II and Oxnard Arco by using his waste
11 tire hauler registration number 1244 on manifests to haul waste tires from their
12 facilities. Factual Findings 1 through 9.

13 3. Cause exists to impose a civil penalty against Hilario Torres, operator of
14 Fiscal Tires pursuant to Public Resources Code, Sections 42951, 42954,, and 42962,
15 and Title 14 of the California Code of Regulations, as set forth in Findings 1 through 9.
16

17 ORDER

18 Pursuant to the parties' stipulation in settlement of this matter, the following order
19 of disposition is made:
20

21 Respondent Hilario Torres, operator of Fiscal Tires shall pay a civil penalty to
22 complainant of \$150.00 per month for 28 consecutive months, for a total of \$4,200.00.

23 Respondent shall also make his business premises and records available during
24 this 28 month period to an investigator of complainant's choosing for periodic
25 inspections of his manifests and other documents to insure respondent is only hauling
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1 tires while he has a valid registration to do so.

2 If respondent is late on any monthly payment, or any monthly payment is less
3 than the \$150.00 amount, he shall be in breach of the settlement agreement.
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5 Dated:_____

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8 Linda Moulton-Patterson, Chair
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